IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2700 of 2006
Date of decision 14 .9.2006

Ranbir Singh .. petitioner

Versus

State of Haryana and another .. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr.RK Malik, Advocate for the petitioners
Mr. Harish Rathee, Sr. DAG Haryana.

M.M.Kumar, J.

This petition filed under Article 226 of the Constitution prays for issuance of a direction to the respondents to appoint the petitioner as JBT teacher from the date candidates lower in order of merit than the petitioner have been appointed. A further prayer for grant of all consequential benefits has also been made.

The respondent-State has issued an advertisement in July, 2004 for filling up the post of JBT teachers. The petitioner who is an ex-serviceman has applied. He possessed the certificate of matriculation from Haryana School Education Board with Hindi as one of the subjects and has passed Teachers Training Course from Bihar Vidayala Pariksha Samiti, Patna which is claimed to be a recognised Board. The petitioner has further qualification of B.A., B.Ed. and M.Ed. from Maharashi Dayanand University, Rohtak. Accordingly, he was called for interview considering him as duly qualified. His result was declared and he was shown to be selected at serial no. 467. The petitioner was aggrieved by the appointment of persons in his own category who were lower in order of merit in the

select list being at serial no. 470. On 7.7.2005, it was intimated to him that the qualification possessed by the petitioner in respect of Teachers Trainning Course from Bihar Vidayala Pariksha Samiti, Patna was not recognised. He submitted a detailed reply and attached all proofs showing that the afore-mentioned qualification was duly recognised. He was not issued appointment letter even then.

The cause of the petitioner has been vehemently opposed by the respondents and it has been asserted that the Teachers Training Certificate obtained by the petitioner from the Bihar Vidayala Pariksha Samiti is not recognised by the National Council of Technical Education nor by the Haryana Government Education Department (Annexures R.II to R. IX). It has further been alleged that possession of higher qualification in any case would not entitle the petitioner to claim appointment on that basis alone unless he satisfies the minimum qualification. It is claimed that only those Teachers Training Courses are recognised by the Government which are accepted by the National Council of Technical Education, New Delhi. The list of recognised courses by National Council of Technical Education does not include the name of Bihar Vidayala Pariksha Samiti. In para 9 of the written statement , the afore-mentioned list has been reproduced showing that it does not include the name of the afore-mentioned Vidayala.

Having heard the learned counsel, we are of the view that the matter is not res-integra. The Teachers Training Course conducted by the Bihar Vidayala Pariksha Samiti was the subject matter of similar dispute before a Division Bench of this Court in the case of Sushma and others v. State of Haryana and others (CWP 8101 of 1997 decided on 1.8.1997). The Division Bench referred to the Directory of Qualifications recognised by

Government of India. Even University Grants Commission has recognised Bihar Vidayala Pariksha Samiti (Bihar School Education Board, Patna). The following para of the Division Bench judgement (Annexure P.6) deals with the controversy :

> " While reserving the judgement on 10.7.1997, we had given opportunity to the counsel for the parties to produce any document to show that the examinations conducted by Bihar Vidayala Pariksha Samiti, Patna stand recognised by the Government of India. Shri Narottam Kaushal produced before us the Directory of Qualifications recognised by the Government of India. In para 1.1 of Chapter I of this directory, there is a reference to the degrees, diplomas and certificates awarded by the Universities, Institutions deemed as Universities under Section 3 of the University Grants Commission Act,1956. Institutions of national importance constituted under the Acts of Parliament and the Boards of Secondary and Intermediate Education. In para 1.5 of this chapter, the name of Bihar School Examination Board, Patna appears at S.No.3. It must, therefore, he held that the examinations conducted by Bihar School Education Board are duly recognized by the Government of India and in view of the circular dated 18.3.1975 such examinations will be deemed to have been recognised by the Government of Haryana."

In our view the matter is squarely covered by the Division Bench judgement and there is no reason for us to deviate from the afore-mentioned pronouncement of this Court.

Accordingly, the writ petition is allowed. Respondent no.2 is directed to consider the petitioner as eligible candidate. As the petitioner has been found to be more meritorious than the one who has been appointed in December, 2004 we direct the respondents to issue him appointment letter within a period of two months from today. The petitioner shall not be entitled to any arrears of salary. He shall, however, be entitled to the benefit of fixation of pay, increment and seniority etc. with effect from the date the persons lower in merit than the petitioners have been appointed. The payment shall be made with effect from the date persons lower in order of merit than the petitioner have been appointed.

(M.M.Kumar)
Judge

(M.M.S.Bedi)
Judge

14.9.2006
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